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Attorneys for Plaintiff JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. THE BLACK & DECKER CORPORATION; BLACK & DECKER, INC.; BLACK & DECKER (US), INC.; PORTER-CABLE CORPORATION; VECTOR PRODUCTS, INC.; PHILLIPS PLASTICS CORPORATION; HI-TECH PLASTICS INC.; B&D HOLDINGS, LLC; AND DOES 1 THROUGH 1000, Defendants.	Case No. 06-cv-1572 BTM (CAB) **NOTICE OF MOTION AND PLAINTIFF'S MOTION TO CONSOLIDATE CASES** Date: May 30, 2008 Time: 11:00 a.m. Courtroom: 15, Fifth Floor Hon. Barry Ted Moskowitz *NO ORAL ARGUMENTS UNLESS REQUESTED BY COURT*
JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff, v.	Case No. 07-CV-2121

GIANT INTERNATIONAL (USA) LTD., a Delaware corporation, and DOES 1-10,

Defendants.

and related counterclaims.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

v.

ESSEPLAST (USA) NC, INC., a Delaware corporation, and DOES 1-100,

Defendants.

and related counterclaims

Case No. 07cv2277

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

v.

HELEN OF TROY TEXAS CORPORATION; OXO INTERNATIONAL LTD.; and DOES 1 – 100,

Defendants.

Case No. 07cv2278

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

v.

ENERGIZER HOLDINGS INC, a Missouri corporation; EVEREADY BATTERY COMPANY, INC.; and DOES 1 – 100,

Defendants.

and related counterclaims.

Case No. 07cv2321

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Case No. 08cv0025

Plaintiff

v.

EMERSON ELECTRIC CO., a Missouri corporation; ONE WORLD TECHNOLOGIES, INC., a Delaware corporation; RIDGE TOOL COMPANY, an Ohio corporation; RIDGID, INC., a Delaware corporation; and DOES 1 – 100

Defendants.

and related counterclaims

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

RYOBI TECHNOLOGIES, INC., a Delaware corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a Delaware corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0060

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

SENCO PRODUCTS, INC., an Ohio corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0070

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

INFORMATICS, INC., a Texas Corporation; INFORMATICS HOLDINGS, INC., a Delaware Corporation; DATALOGIC SCANNING, INC.

Case No. 08cv0134

Corporation; DATALOGIC SCANNING, INC., a Delaware Corporation; DATALOGIC SCANNING HOLDINGS, INC., a New York Corporation.

Defendants.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

SANYO NORTH AMERICA CORPORATION, a Delaware Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0135

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

MOTOROLA, INC., a Delaware Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0136

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

CTT TOOLS, INC., a California Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0231

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

ALLTRADE TOOLS, LLC., a California

Case No. 08cv0232

Corporation; and DOES 1 – 100, Defendants.	)))	
JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. GLOBAL MACHINERY COMPANY, an Australian company; GMCA PTY. LTD., an Australian company; TRAPONE CORPORATION PTY. LTD., an Australian company; and DOES 1 – 100,	))))))))))))))	Case No. 08cv0233
JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. EMISSIVE ENERGY CORP., a Delaware Corporation; and DOES 1 – 100, Defendants.	))))))))))))	Case No. 08cv0234
JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. METABO CORPORATION, a Delaware Corporation; METABOWERKE GMBH, a German Corporation; and DOES 1 – 100, Defendants.	)))))))))))))	Case No. 08cv0304
JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. RALLY MANUFACTURING, INC., a Florida	)))))))))	Case No. 08cv0305

Corporation; and DOES 1 – 100,

Defendants.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

SUNBEAM PRODUCTS, INC., a Delaware Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0306

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

STAR ASIA, U.S.A., LLC, a Washington Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0307

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

LOGITECH INC., a California Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0308

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

CENTRAL PURCHASING, LLC, a California Corporation; and DOES 1 – 100,

Case No. 08cv0309

Defendants.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

KYOCERA INTERNATIONAL, INC., a California Corporation; KYOCERA WIRELESS CORP., a California Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0411

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff

v.

DMS HOLDINGS, INC. d.b.a. MABIS HEALTHCARE and DURO-MED INDUSTRIES, a a Delaware Corporation; and DOES 1 – 100,

Defendants.

Case No. 08cv0559

TO ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on May 30, 2008 at 11:00 a.m. or as soon thereafter as this matter may be heard before the Honorable Barry Ted Moskowitz, Plaintiff Jens Erik Sorensen, as trustee of Sorensen Research & Development Trust, will and do, moves this Court for an order consolidating the above-captioned cases for all purposes pursuant to Rule 42 of the Federal Rules of Civil Procedure.

This motion is made on the grounds that these actions involve overlapping issues of law and fact and consolidation of these cases will promote efficiency.

A list of all named defendants in each case[1], including identification of those who have appeared, and the names of their respective attorneys of record, are as follows:

Defendants	*Appeared?*	*Attorney(s) of Record*
The Black & Decker Corporation Black & Decker Inc. Black & Decker (U.S.) Inc. Porter-Cable Corporation Vector Products, Inc. B&D Holdings LLC	Yes	Raymond P. Niro, Jr. Dina Hayes Gregory P. Casimer Robert A. Conley Niro, Scavone, Haller & Niro 181 W. Madison St., Ste. 4600 Chicago, IL 60602 Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121
Phillips Plastics Corporation Hi-Tech Plastics Inc.	Yes	Kenneth S. Klein Foley & Lardner LLP 402 W. Broadway, Suite 2100 San Diego, CA 92101-3542 Robert L. Binder Foley & Lardner LLP 777 East Wisconsin Avenue Milwaukee, WI 53202 Richard L. Schwaab Pavan K. Agarwal C. Edward Polk, Jr. Foley & Lardner LLP

[1] Plaintiff Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust is represented by attorneys J. Michael Kaler and Melody A. Kramer in every case, and also by Patricia A. Shackelford in the Black & Decker case.

		3000 K Street, N.W. Suite 500 Washington, DC 20007
Giant International (USA) Ltd.	Yes	Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 Dale Lischer Elizabeth G. Borland Kerri A. Hochgesang Smith, Gambrell & Russell, LLP Promenade II, Suite 3100 1230 Peachtree St., N.E. Atlanta, GA 30309
Esseplast USA (NC) Inc.	Yes	Alan A. Limbach Gregory J. Lundell Elizabeth Day Vincent S Lam Erik R. Fuehrer DLA Piper USA LLC 2000 University Avenue East Palo Alto, CA 94303
Helen of Troy Texas Corporation OXO International LTD	Yes	Erik B. Von Ziepel Seyfarth Shaw LLP 2029 Century Park East, Suite 3300 Los Angeles, CA 90067
Energizer Holdings Inc. Eveready Battery Company, Inc.	Yes	Jill Zimmerman Anthony I. Fenwick David Lisson Veronica C. Abreu Davis Polk & Wardwell 1600 El Camino Real Menlo Park, CA 94025
Emerson Electric Co. Ridge Tool Company	Yes	Roger G. Perkins, Esq Angela Kim, Esq. MORRIS POLICH & PURDY LLP

Ridgid, Inc.		501 West Broadway, Suite 500 San Diego, California 92101 Orlando F. Cabanday HENNELLY & GROSSFELD LLP 4640 Admiralty Way, Suite 850 Marina del Rey, CA 90292 Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611
One World Technologies, Inc.	Yes	Roger G. Perkins, Esq Angela Kim, Esq. MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611
Ryobi Technologies, Inc. Techtronic Industries North America, Inc.	Yes	Roger G. Perkins, Esq MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611
Senco Products, Inc.	Yes	Roger G. Perkins, Esq

		MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 Angela Kim MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611
Informatics, Inc. Informatics Holdings, Inc. Datalogic Scanning, Inc. Datalogic Scanning Holdings, Inc.	Yes	James H. Shalek Proskauer Rose LLP 1585 Broadway, New York, NY 10036 Jonathan E. Rich Proskauer Rose LLP 2049 Century Park East, 32nd Floor Los Angeles, CA 90067
Sanyo North America Corporation	Yes	Douglas Carsten Debra D. Nye Foley & Lardner LLP 11250 El Camino Real, Suit 200 San Diego, California 92130 Telephone: (858) 847-6700
Motorola, Inc.	Yes	Rachel M. Capoccia Hogan & Hartson L.L.P. 1999 Avenue of the Stars, Suite 1400 Los Angeles, California 90067 Erik J. Lobenfeld Hogan & Hartson LLP 875 Third Avenue New York, NY 10022
CTT Tools, Inc.	Yes	Eliot Teitelbaum

		Koorenny & Teitelbaum, LLP 11911 San Vicente Blvd. Suite 265 Los Angeles, CA 90049
Alltrade Tools, LLC.	No	
Global Machinery Company GMCA Pty. Trapone Corporation Pty. Ltd.	Yes	Thomas W. Ferrel HIGGS, FLETCHER & MACK LLP 401 West "A" Street, Suite 2600 San Diego, CA 92101-7913 Mark G. Kachigian Cassandra L. Wilkinson HEAD, JOHNSON & KACHIGIAN, P.C. 228 West 17th Place Tulsa, Oklahoma 74119
Emissive Energy Corp.	Yes	Jeff E. Scott GREENBERG TRAURIG, LLP 2450 Colorado Avenue, Suite 400E Santa Monica, California 90404
Metabo Corporation Metabowerke GMBH	Yes	Jeffrey D. Lewin Sullivan, Hill, Lewin, Rez & Engel 550 West “C” Street, Suite 1500 San Diego, CA 92101 Daniel J. Bourque Bourque & Associates Intellectual Property Attorneys 835 Hanover Street Suite 301 Manchester, NH 03104 Arnold Rosenblatt Cook Little Rosenblatt & Manson PLLC 650 Elm Street Manchester, NH 03101
Rally Manufacturing, Inc.	Yes	Gary M. Anderson FULWIDER PATTON LLP Howard Hughes Center 6060 Center Drive, Tenth Floor

		Los Angeles, CA 90045
Sunbeam Products, Inc.	Yes	Sang N. Dang ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707 George L. Fountain ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707 Kening Li, PH.D. PINSENT MASONS C/o BAKER DONELSON BEARMAN CALDWELL AND BERKOWITZ 555 11th St., NW, Washington, DC 20004 Vy H. Vu ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707
Star Asia, U.S.A., LLC.	Yes	Richard A. Clegg Seltzer Caplan McMahon Vitek 750 B St., Suite 2100 San Diego, CA 92101
Logitech, Inc.	Yes	Richard S. Swope ORRICK, HERRINGTON & SUTCLIFFE LLP 1000 Marsh Road Menlo Park, CA 94025
Central Purchasing, LLC	Yes	Mark J. Rosenberg Sills Cummis & Gross P.C. One Rockefeller Plaza New York, New York 10020 Susan E. Basinger Higgs Fletcher & Mack LLP 401West "A" Street, Suite 2600

		San Diego, California 92101
Kyocera International, Inc. Kyocera Wireless Corp.	Yes	Anthony J. Dain Victor M. Felix PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B Street, Suite 2100 San Diego, California 92101
DMS Holdings, Inc. dba Mabis Healthcare and Duro-Med Industries	No	

Dated this Wednesday, April 09, 2008.

Respectfully submitted,

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff

/s/ Melody A. Kramer
J. Michael Kaler
Melody A. Kramer
Patricia A. Shackelford
Attorneys for Plaintiff

PROOF OF SERVICE

I, Melody A. Kramer declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121. I am a member of the State Bar of California and the Bar of this Court.

On April 9, 2008, I served on the parties to this action the following documents:

NOTICE OF MOTION AND PLAINTIFF'S MOTION TO CONSOLIDATE CASES

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Raymond P. Niro, Jr. Dina Hayes Gregory P. Casimer Robert A. Conley Niro, Scavone, Haller & Niro 181 W. Madison St., Ste. 4600 Chicago, IL 60602 312/236-3137 FAX rnirojr@nshn.com hayes@nshn.com casimer@nshn.com rconley@nshn.com	Defendants Black & Decker Corp.; Black & Decker, Inc.; Black & Decker (U.S.), Inc.; Vector Products, Inc.; and B&D Holdings, LLC ("B&D Defendants")	Email--Pleadings Filed with the Court
Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 agoddard@jaczkogoddard.com cjaczko@jaczkogoddard.com	Defendant Hi-Tech Plastics, Inc. and Phillips Plastics	Email--Pleadings Filed with the Court
Kenneth S. Klein Foley & Lardner LLP 402 W. Broadway, Suite 2100 San Diego, CA 92101-3542 619/234-3510 FAX kklein@foley.com	Defendants Hi-Tech & Phillips	Email--Pleadings Filed with the Court
Robert L. Binder Foley & Lardner LLP	Defendants Hi-Tech & Phillips	Email--Pleadings Filed with the Court

777 East Wisconsin Avenue Milwaukee, WI 53202 414/297-4900 FAX rbinder@foley.com		
Richard L. Schwaab Pavan K. Agarwal C. Edward Polk, Jr. Foley & Lardner LLP 3000 K Street, N.W. Suite 500 Washington, DC 20007 202/672-5399 FAX rschwaab@foley.com pagarwal@foley.com epolk@foley.com	Defendants Hi-Tech & Phillips	Email--Pleadings Filed with the Court
Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 agoddard@jaczkogoddard.com cjaczko@jaczkogoddard.com 858-225-3500 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court
Dale Lischer dlischer@sglaw.com Elizabeth G. Borland egborland@sglaw.com Kerri A. Hochgesang khochgesang@sglaw.com Smith, Gambrell & Russell, LLP Promenade II, Suite 3100 1230 Peachtree St., N.E. Atlanta, GA 30309 404-685-6945 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court
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Gregory J. Lundell DLA Piper USA LLC	Esseplast (USA) NC, Inc	Email--Pleadings Filed with the Court via

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Vincent S Lam DLA Piper USA LLC 2000 University Avenue East Palo Alto, CA 94303-2214 vincent.lam@dlapiper.com	Esseplast (USA) NC, Inc	Email--Pleadings Filed with the Court via CM/ECF
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Roger G. Perkins, Esq rperkins@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF

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Eliot Teitelbaum Koorenny & Teitelbaum, LLP	CTT Tools, Inc.	Federal Express

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John V. Hanley Steptoe & Johnson LLP 2121 Avenue of the Stars Suite 2800 Los Angeles, CA 90067	Alltrade Tools, LLC.	Federal Express
Thomas W. Ferrell tferrell@higgslaw.com HIGGS, FLETCHER & MACK LLP 401 West "A" Street, Suite 2600 San Diego, CA 92101-7913 Mark G. Kachigian mkachigian@hjklaw.com Cassandra L. Wilkinson cwilkinson@hjklaw.com HEAD, JOHNSON & KACHIGIAN, P.C. 228 West 17th Place Tulsa, Oklahoma 74119	Global Machinery Company; GMCA Pty. Ltd; Trapone Corporation Pty Ltd. Global Machinery Company; GMCA Pty. Ltd; Trapone Corporation Pty Ltd.	Email - Pleadings Filed with the Court via ECF Email - Pleadings Filed with the Court via ECF
Jeff E. Scott GREENBERG TRAURIG, LLP 2450 Colorado Avenue, Suite 400E Santa Monica, California 90404 Email: ScottJ@gtlaw.com	Emissive Energy Corporation	Email--Pleadings Filed with the Court
Jeffrey D. Lewin Sullivan, Hill, Lewin, Rez & Engel 550 West "C" Street, Suite 1500 San Diego, CA 92101 lewin@shlaw.com	Metabo Corporation	Email--Pleadings Filed with the Court via CM/ECF
Gary M. Anderson FULWIDER PATTON LLP Howard Hughes Center 6060 Center Drive, Tenth Floor Los Angeles, CA 90045 litdocketla@fulpat.com ganderson@fulpat.com	Rally Manufacturing, Inc.	Email - Pleadings Filed with the Court via ECF
Sang N. Dang	Sunbeam Products, Inc.	Email--Pleadings Filed

ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707 sangdang@orionlawgroup.net George L. Fountain ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707 georgefountain@orionlawgroup.net Kening Li, PH.D. PINSENT MASONS C/o BAKER DONELSON BEARMAN CALDWELL AND BERKOWITZ 555 11th St., NW, Washington, DC 20004 Kening.LI@pinsentmasons.com Vy H. Vu ORION LAW GROUP 3 Hutton Centre Drive, Suite 850 Santa Ana, CA 92707 vyvu@orionlawgroup.net	 Sunbeam Products, Inc. Sunbeam Products, Inc. Sunbeam Products, Inc.	with the Court via CM/ECF Email--Pleadings Filed with the Court via CM/ECF Email--Pleadings Filed with the Court via CM/ECF Email--Pleadings Filed with the Court via CM/ECF
Richard A. Clegg Seltzer Caplan McMahon Vitek 750 B St., Suite 2100 San Diego, CA 92101 clegg@scmv.com	Star Asia USA, LLC.	Email--Pleadings Filed with the Court
I. Neel Chatterjee nchatterjee@orrick.com Richard S. Swope rswope@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LLP 1000 Marsh Road Menlo Park, CA 94025	Logitech, Inc.	Email - Pleadings Filed with the Court via ECF
Mark J. Rosenberg Sills Cummis & Gross P.C. One Rockefeller Plaza New York, New York 10020 Susan E. Basinger Higgs Fletcher & Mack LLP 401West "A" Street, Suite 2600	Central Purchasing, LLC Central Purchasing, LLC	Email - Pleadings Filed with the Court via ECF Email - Pleadings Filed with the Court via ECF

San Diego, California 92101 basinger@higgslaw.com		
Anthony J. Dain Victor M. Felix PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B Street, Suite 2100 San Diego, California 92101 vmf@procopio.com ajd@procopio.com	Kyocera International, Inc. Kyocera Wireless Corp.	Email - Pleadings Filed with the Court via ECF
C/o Agent for Process of Service DMS Holdings, Inc. The Corporation Trust Company Corporation Trust Center 1209 Orange Street, Wilmington, DE 19801	DMS Holdings	Federal Express

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

X (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

X (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

I declare that the foregoing is true and correct, and that this declaration was executed on Wednesday, April 09, 2008, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer